

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
MIDLAND/ODESSA DIVISION**

JUANITA DOE,	§	
<i>Plaintiff,</i>	§	
	§	
v.	§	
	§	MO:23-CV-00091-DC-RCG
MIDLAND COUNTY, JUAN CARLOS	§	
SERNA-VENEGAS, SHERIFF DAVID	§	
CRINER, SERGEANT PETERS, and	§	
MARISELA MARTINEZ,	§	
<i>Defendants.</i>	§	

SHOW CAUSE ORDER

On this date, the Court considered the status of this case. This action was commenced by the filing of Plaintiff's complaint on June 20, 2023. (Doc. 1). Even though over 90 days have passed since that filing, the Court has no record that Defendant Sergeant Peters named in this case has been served or has agreed to waive service.

Rule 4(c) of the Federal Rules of Civil Procedure provides in pertinent part: "The plaintiff is responsible for having the summons and complaint served within the time allowed by Rule 4(m) and must furnish the necessary copies to the person who makes service." FED. R. CIV. P. 4(c)(1). Proof of service must be made to the court by filing the server's affidavit. FED. R. CIV. P. 4(l)(1). Rule 4 further provides that:

If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

FED. R. CIV. P. 4(m).

The 90-day time period for service has long since expired in this case and there is no indication that Sergeant Peters has been properly served or has agreed to waive service.

Plaintiff Doe is therefore **ORDERED** to show cause in writing on or before **March 1, 2024**, why the case against Segreant Peters should not be dismissed under Rule 4(m). **Failure to respond by that date will result in the case against Segreant Peters being dismissed.**

It is so **ORDERED**.

SIGNED this 20th day of February, 2024.

A handwritten signature in black ink, appearing to read 'Ron Griffin', is written above a horizontal line.

RONALD C. GRIFFIN
UNITED STATES MAGISTRATE JUDGE